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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,529	08/29/2003	John Gullo	38494-00214	8872
28661 7590 06/24/2008 LEWIS AND ROCA LLP 1663 Hwy 395, Suite 201 Minden, NV 89423				
EXAMINER				
CARTER, CANDICE D				
ART UNIT		PAPER NUMBER		
3629				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/651,529

Applicant(s)

GULLO ET AL.

Examiner

CANDICE D. CARTER

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 18, 19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 18, 19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The Following is a Final Office Action in response to communications received on April 3, 2008. Claims 1-15, 17, and 20 have been cancelled. Claims 16, 18, and 21 have been amended. No claims have been added. Therefore, claims 16, 18, 19, and 21-24 are pending and have been addressed below.

Response to Amendment

2. Applicant cancels 7 to overcome the 35 U.S.C 112, second paragraph rejection. All 35 U.S.C 112 with respect to claim 7 have been withdrawn.

Applicant has failed to properly indicate added limitations to claim 18. All claims being currently amended must be presented with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim must be shown by strike-through (for deleted matter) or underlining (for added matter). Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 16, 18, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamps.com in view of Kovlakas, in view of Foth et al. Montgomery et al. (2003/0101147), and further in view of Lingle et al. (7,233,929).**

As per claim 16, Stamps.com discloses "A method of processing refunds online comprising the steps of: accepting a purchase from a purchaser;

wherein said purchase is of postage and" (Purchasing Postage, pg. 1; This page describes how a purchaser would purchase postage from the website);

"accepting a refund request from said purchaser for said purchase" (Credit Request Form; This page describes how the customer would send in the identifying information for the purchase of the postage so that they may receive a refund for the unused postage);

"said step of accepting said refund request further comprising the steps of permitting said purchaser to:

log on to an online refund system" (Login; This page describes how a customer can log into the online postage system in order to conduct the postage transactions online);

"provide to said online refund system information concerning said purchaser, including a user ID and a password" (Login; pg.1, ¶ 5; via username and password); and

"provide to said online refund system said identifying information concerning said purchase" (Credit Request Form; This page describes how the customer would send in the identifying information for the purchase of the postage so that they may receive a refund for the unused postage);

"verifying said refund request" (Misprinted Postage Policy, pg 2; via process your request, where the examiner interprets the processing of the request to represent the

process of receiving the required information and verifying it in order to process the refund);

"and said online refund system providing a refund for said purchase to said purchaser" (What is the Stamps.com credit or refund policy?, pg 1, ¶ 3; via purchase will be fully refunded).

However, Stamps.com fails to explicitly disclose:

"wherein said step of verifying said refund request includes the step of determining whether there has been a scan event associated with said postage";

"wherein said step of verifying said refund request further includes the step of determining whether there has been a prior refund request associated with said purchase";

"providing to purchaser information based indicia evidencing said postage and a unique tracking number linked with said information based indicia";

"provide to said online refund system said unique tracking number"; and

"wherein said step of verifying said refund request further includes the step of queuing said request for a period of time, and determining that no scan event occurs after submission of said refund request and during said period of time"

Kovlakas discloses a postal system "wherein said step of verifying said refund request includes the step of determining whether there has been a scan event associated with said postage" (pg. 2, col. 2, ¶ 21; via meter would check with the transaction log server to determine if the information scanned from indicia was reported to log server and the post has not cancelled indicia before refund is processed).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of Stamps.com to include the step of determining whether there has been a scan event associated with said postage as disclosed by Kovlakas. This is because the scan event associated with the postage will determine whether or not the postage has been used already and will identify fraudulent attempts to steal postage.

Foth et al. discloses an electronic refunds payment system "wherein said step of verifying said refund request further includes the step of determining whether there has been a prior refund request associated with said purchase" (pg. 11, line 30; via checks to ensure that a refund has not yet previously been made for that item).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Kovlakas combination to include the step of determining whether there has been a prior refund request associated with said postage as disclosed by Foth et al., in order to prevent the issue of multiple refunds for the same postage indicia.

Montgomery discloses methods for issuing refunds for misprints of mail pieces providing tracking ID linked with information based indicia (Fig. 2 and ¶ 80 discloses a postage label containing unique postage indicium and a tracking ID, where the tracking ID is linked with the indicium).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the online postage system of the

Stamps.com, Kovlakas, and Foth et al. combination to include the tracking ID as taught by Montgomery in order to easily determined where the postage was last scanned.

Lingle et al. discloses postal system intranet for online value bearing system "verifying said refund request includes the step of queuing said request for a period of time" (col. 26 line 3; via the USPS requires that Stamps.com wait 14 days for a transaction to clear before processing a refund).

The Stamps.com, Kovlakas, Foth et al., Montgomery, and Lingle et al. combination, however, fails to explicitly disclose "determining that no scan event occurs during said period of time, prior to issuing a refund".

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the online refund system of the Stamps.com, Kovlakas, Foth et al., Montgomery, and Lingle et al. combination to include determining that no scan event occurs during said period of time, prior to issuing a refund because it is a matter of logical reasoning to monitor an account to ensure that there is no activity between the time of a refund request and the time of the issuing of the refund in order to keep a customer from profiting from issuing the refund.

For example, if a customer receives a mail in rebate upon the purchase of an item, and then subsequently attempts to return the item. It would be a matter of logical reasoning to monitor the transaction activity to ensure that the customer does not then make money off of the purchase and return by, then, attempting to redeem the rebate.

As per claim 18, The Stamps.com, Kovlakas, and Foth et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose

"accepting a purchase from a single purchaser of multiple items of postage, each evidenced by a single said information based indicia and a single linked unique tracking number; and providing to said single purchaser a transaction number linked with said multiple items of postage and common to said multiple items of postage purchased during said purchase"

Montgomery discloses methods for issuing refunds for misprints of mail pieces providing tracking ID linked with information based indicia (Fig. 2 and ¶ 80 discloses a postage label containing unique postage indicium and a tracking ID, where the tracking ID is linked with the indicium).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the online refund system of the Stamps.com, Kovlakas, and Foth et al. combination to include tracking ID linked with information based indicia as taught by Montgomery in order to easily determine where the postage was last scanned.

Lingle et al. discloses a postal system having "identifying information includes a transaction number" (col. 37, line 17; via transaction ID).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com, Kovlakas, Foth et al., Montgomery combination to include the transaction number as taught by Lingle et al, in order to allow for the customer and Stamps.com to easily identify the purchases made on the online postage system.

The Stamps.com, Koviakas, Foth et al., Montgomery, and Lingle et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose “accepting a purchase from a single purchaser of multiple purchases and providing a single purchaser a transaction number linked with said multiple items postage.

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the online postage system of the Stamps.com, Koviakas, Foth et al., Montgomery, and Lingle et al. combination to include a purchaser purchasing multiple postage items and providing a single transaction number to the multiple postage items because it is old and well known to buy more than one item at a time. It is also old and well known to assign a single transaction number to a purchase of multiple items purchased at the same time since all items purchased are a part of the same transaction.

As per claim 19, Stamps.com further discloses “said step of verifying said refund request includes the step of determining whether an undue period of time has passed from said purchase” (Misprinted Postage Policy; pg.1, ¶ 2; via misprint credit request form must be submitted within 10 days from the date of the misprint in order to receive the refund).

As per claim 21, the Stamps.com and Koviakas and Foth et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose “wherein said period of time is seven days”.

Lingle et al. discloses a postal system "wherein said period of time is seven days" (col. 26, line 38; via other periods can also be used, where the period of time does not have to be 14 days but could also be seven days).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Kovlakas and Foth et al. combination to include the step of queuing the refund request for seven days as taught by Lingle et al., in order to ensure that there has not been another scan event associated with the postage which will identify fraudulent attempts to steal postage by revealing if someone has attempted to use the refunded postage after the refund has been requested.

5. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamps.com in view of Kovlakas, in view of Foth et al., in view of Montgomery, in view of Lingle, as applied to claim 16 above and further in view of O'Brien.

As per claim 22, the Stamps.com and Kovlakas and Foth et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "step of verifying said refund request includes the step of determining whether said purchase for which a refund has been sought has previously been voided".

O'Brien discloses a refund processing system having "step of verifying said refund request includes the step of determining whether said purchase for which a refund has been sought has previously been voided" (pg. 5, ¶ 6; via these reports,

which include all refunds, voided sales, and other activity are reviewed by the security consultant for potentially suspicious activity).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Lingle et al. combination to include the step of determining whether said purchase for which a refund has been sought has previously been voided as taught by O'Brien, in order to identify those customers who are attempting to submit fraudulent refund requests.

As per claim 23, the Stamps.com and Kovlakas and Foth et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "the step of tracking an identity of a purchaser who submits a plurality of improper refund requests".

O'Brien discloses a refund processing system having "the step of tracking an identity of a purchaser who submits a plurality of improper refund requests" pg. 5, ¶ 4 and 5; via where the customer attempts to improperly return an item and a security consultant then checks records to see how often the customer has attempted to return merchandise).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Lingle et al. combination to include the step of tracking the identity of a customer who submits improper refund requests as taught by O'Brien, in order to identify those customers who are attempting to submit fraudulent refund requests.

As per claim 24, the Stamps.com and Kovlakas and Foth et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose “the step of suspending purchase privileges of said purchaser who submits a plurality of improper refund requests”.

O'Brien discloses a refunds processing system having “the step of suspending purchase privileges of said purchaser who submits a plurality of improper refund requests” (pg. 5, ¶ 5, via; security will call to inform the customer that the check is being withheld).

Therefore it would have been obvious to one of ordinary skill in the pertinent art to modify the online postage system of the Stamps.com and Kovlakas and Foth et al. combination to include the step of suspending the privileges of a customer who submits improper refund requests as taught by O'Brien, in order to identify those customers who are attempting to submit fraudulent refund requests.

Response to Arguments

6. Applicant's arguments with respect to claim 16 have been considered but are moot in view of the new ground(s) of rejection.

In response to arguments in reference to dependent claims 18, 19, and 21-24, all rejections made towards the dependent claims are maintained due to the lack of reply by the applicant in regards to distinctly and specifically pointing out the supposed errors in the examiner's action in the prior Office Action (37 CFR 1.111). The examiner asserts that the applicant only argues that the dependent claims should be allowable

because the independent claims are unobvious and patentable over the prior art references.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CANDICE D. CARTER** whose telephone number is (571) 270-5105. The examiner can normally be reached on Monday thru Thursday 7:30am- 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CDC

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3629